

With respect to the second required election, Applicant provisionally elects the presence of at least two oxygen-18-labeled organic acids selected from two different organic acid groups for examination, with traverse.

Applicant respectfully submits that the Examiner should examine the full scope of claim 1 with respect to the number of labeled organic acids because this element is not proper subject matter for a species election. Proper restriction practice requires that the various species falling within a genus must be mutually exclusive. MPEP § 806.04(f). In this case, the alleged species are not mutually exclusive. In particular, claim 1 requires the presence of "one or more oxygen-18 labeled organic acids" be present in the standard, while claims 54-56 require the presence of at least two or more, three or more, and four or more labeled organic acids, respectively. Clearly these groups are not mutually exclusive. For example, a standard containing four of the specified labeled organic acids would be encompassed by each of claims 1 and 54-56. Accordingly, the second species election is respectfully traversed and should be withdrawn.

Claims 1-17, 46, and 54 read on the elected invention.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Prompt and favorable action on the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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